



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/035,911

11/07/2001

Yeshik Shin

594728119US

2160

25096

7590

11/15/2005

PERKINS COIE LLP

PATENT-SEA

P.O. BOX 1247

SEATTLE, WA 98111-1247

EXAMINER

BLOUNT, STEVEN

ART UNIT

PAPER NUMBER

2668

DATE MAILED: 11/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

AK

Office Action Summary	Application No.	Applicant(s)	
	10/035,911	SHIN ET AL.	
	Examiner	Art Unit	
	Steven Blount	2668	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 July 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 - 2, 5 - 10, 13 - 18, 21 - 25, 28 - 30 is/are rejected.
- 7) ☒ Claim(s) 3 - 4, 11 - 12, 19 - 20, and 26 - 27 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on _____ is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 2, 6, 9, 10, 14, 17, 18, 24, and 25 are rejected under 35 U.S.C. 102(b) as being anticipated by European Patent Application 0582537 to Cidon.

With regard to claim 1, Cidon teaches receiving a low priority data packet and beginning its transmission, followed by receiving a second, high priority packet, followed by stopping the transmission of the first, data packet. See page 4 lines 45+ and page 5 lines 38+. Cidon also teaches that this is followed by transmitting a preempt indicator. See the SP flag mentioned on page 5, line 43. Following the preempt indicator, the second, high priority packet is transmitted. See line 44. The end preempt indicator is the equivalent of the continue indicator as claimed. This is followed by transmission of the remainder of the low priority packet.

With regard to claim 2, the indicators are primitives.

With regard to claim 6, the first and second packets are transmitted through the same link.

With regard to claims 9, 10, and 14, see the rejection of claims 1, 2, and 6 and note that all the method steps in these claims are discussed therein.

Art Unit: 2668

With regard to claim 17, see the rejection of claim 1 and note that the indicators are transmitted via the same communications link.

With regard to claim 18, the indicators are, as noted above, primitives.

With regard to claims 24 and 25, see the rejection of claim 1 and note that the "components" as claimed are discussed on page 8 lines 38+, page 8 lines 55+, and page 9 lines 8+.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 5, 7 – 8, 13, 15 – 16, 21 – 23, and 28 - 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over European patent Application 0582537 to Cidon.

With regard to claims 5, 13, 21, and 28, the first packet of Cidon is a data packet, and while it is not explicitly stated that the second packet is a control packet, one of ordinary skill in the art would find it obvious that the "real time traffic" mentioned in Cidon as being the second data packet (see the abstract) would have control information associated with it.

With regard to claims 7, 15, 22, and 29, it would have been obvious at the time of the invention to have applied the teachings above with respect to the first and second packets to a third packet so that a higher priority packet of this third type can be transmitted before the first and second packets.

Art Unit: 2668


With regard to claims 8, 16, 23, and 30, the examiner takes Official Notice that communication packets have headers. Further, the sender/receiver type of system taught in Cidon would make obvious having the header being transmitted only once.


5. Claims 3 – 4, 11 – 12, 19 – 20, and 26 – 27 are objected to as being dependent upon rejected independent claims, would be allowable if rewritten to include the limitations of the base claims and any intervening claims.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven Blount whose telephone number is 571 - 272 - 3071. The examiner can normally be reached on M-F 9:00 - 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Chieh Fan, can be reached on 571 – 272 - 3042. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SB

11/05/2005


CHIEH M. FAN
PRIMARY EXAMINER